1	UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE
2) Cara Na
3	DEBORAH KING, Case No.:
4) Plaintiff,)
5)
6))
7	MIDLAND CREDIT MANA CEMENT INC JURY TRIAL DEMANDED
8	MANAGEMENT, INC.,)
9	Defendant.
11	COMPLAINT
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13	DEBORAH KING ("Plaintiff"), by and through her attorneys, KIMMEL
14	SILVERMAN, P.C., alleges the following against MIDLAND CREDI
15	MANAGEMENT, INC. ("DEFENDANT"):
16	INTRODUCTION
17	INTRODUCTION
18	1. Plaintiff's Complaint is based on the Fair Debt Collection Practice
19	Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
20	JURISDICTION AND VENUE
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22	2. This Court's jurisdiction arises under 15 U.S.C. § 1692k(d), which state
23	that such actions may be brought and heard before "any appropriate United State
24	District Court without regard to the amount in controversy," and 28 U.S.C. § 133
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27	,

PLAINTIFF'S COMPLAINT

which grants this Court original jurisdiction of all civil actions arising under the laws of the United States.

- 3. Defendant regularly conducts business in the State of Tennessee, therefore personal jurisdiction is established.
 - 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

- 5. Plaintiff is a natural person residing in Memphis, TN 38118.
- 6. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. §1692a(3).
- 7. Defendant is a corporation with its principal place of business located at 2365 Northside Dr., Suite 300, San Diego, CA 92108.
- 8. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.
 - 9. The principal purpose of Defendant's business is debt collection.
- 10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

- 11. Plaintiff has a cellular telephone number.
- 12. Plaintiff has only used this number as a cellular telephone number.

- 13. By way of background, Defendant began contacting Plaintiff sometime in 2015.
- 14. Thereafter, Plaintiff told Defendant she could not afford to pay the debt and to stop calling her in or around June 2016.
- 15. Once Defendant knew its calls were unwanted, any further calls could only have been placed for the purpose of harassing Plaintiff.
- 16. Plaintiff reiterated this request for calls to cease a few additional times during the summer of 2016.
- 17. However, Defendant ignored Plaintiff's request and between September 2016 and June 2017, Defendant placed repeated harassing telephone calls to Plaintiff's cellular telephone.
- 18. During this time, Defendant also called Plaintiff at inconvenient times, such as before 8:00 AM and after 9:00 PM and while she was at work.
- 19. Defendant's actions as described herein were taken with the intent to harass, upset and coerce payment from Plaintiff.

COUNT I DEFENDANT VIOLATED §§ 1692d and 1692d(5) OF THE FDCPA

20. A debt collector violates § 1692d by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

- 21. A debt collector violates § 1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- 22. Defendant violated §§ 1692d and 1692d(5) when it placed repeated and continuous harassing telephone calls to Plaintiff between September 2016 and June 2017 knowing its calls were unwanted.

COUNT II DEFENDANT VIOLATED § 1692c(a)(1) OF THE FDCPA

- 23. A debt collector violates § 1692c(a)(1) if without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, it contacts a consumer at an unusual time or place or a time or place known or which should be known to be inconvenient to the consumer.
- 24. Defendant violated § 1692c(a)(1) when it contacted before 8:00am and after 9:00pm.

WHEREFORE, Plaintiff, DEBORAH KING, respectfully prays for a judgment as follows:

a. All actual damages suffered pursuant to 15 U.S.C. §1692k(a)(1);

1	b. Statutory damages of \$1,000.00 for the violation of the FDCP.
2	pursuant to 15 U.S.C. §1692k(a)(2)(A);
3	All reasonable attorneys' fees witness fees court costs an
4	c. All reasonable attorneys' fees, witness fees, court costs an
5	other litigation costs incurred by Plaintiff pursuant to 15 U.S.C
6	§1693k(a)(3); and
7	d. Any other relief deemed appropriate by this Honorable Court.
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9	
10	DEMAND FOR JURY TRIAL
11	PLEASE TAKE NOTICE that Plaintiff, DEBORAH KING, demands a jury
12	trial in this case.
13	
14	Respectfully submitted,
15	Dated: September 1, 2017 By: /s/ Amy L. Bennecoff Ginsburg, Esq.
16	Amy L. Bennecoff Ginsburg, Esq. Kimmel & Silverman, P.C.
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